

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA,
ex rel. TRAMELL KUKOYI

Plaintiff,

v.

SAVASENIORCARE, L.L.C., et al.
Defendants.

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CIVIL NO. 3:11-CV-00821

CHIEF JUDGE SHARP
MAGISTRATE JUDGE BRYANT

**RELATOR-PLAINTIFF TRAMELL KUKOYI'S RULE 41 NOTICE OF VOLUNTARY
DISMISSAL WITHOUT PREJUDICE OF CLAIMS IN
FIRST AMENDED COMPLAINT**

Pursuant to F.R.C.P. 41(a)(1)(A)(i) of the Federal Rules of Civil Procedure, Relator-Plaintiff Tramell Kukoyi hereby gives notice of voluntary dismissal without prejudice of certain claims and theories in her First Amended Complaint, filed under seal in the Southern District of Texas, Houston Division, on July 30, 2015 under Civil No. H-11-4216.

Specifically, Plaintiff-Relator is voluntarily dismissing the following:

A. Count III, Defendants' Conspiracy to Defraud the Government in Violation of the False Claims Act (former 31 U.S.C. § 3729(a)(3); current 31 U.S.C. § 3729(a)(1)(C));

B. All claims of False Claims Act violations premised on violation of the federal Anti-Kickback Statute or any state anti-kickback statute, such as Relator alleged in paragraphs 343, 344, 346, 376, and the last sentence of paragraph 388, and as are encompassed in Count I, Count III, and Counts V to XVI.

C. All claims of False Claims Act violations arising out of billings for patient stays as to periods not covered even in part by Medicare Part A, such as when a patient's Medicare days have expired and Medicaid begins to cover the patient's entire stay, as described in

paragraphs 9 and 244 to 300.

D. Allegations against the following defendants: Fruitvale HealthCare Center, SSC Oakland Fruitvale Operating Company, L.P., Haven Home, SSC Kenesaw Operating Company, L.L.C., Spring Branch Healthcare Center, SSC Harris Spring Branch, L.P.

E. Relator is dismissing Count III in its entirety. Relator is not dismissing Counts I, II, or IV-XVI in any respect other than what is outlined above.

UNITED STATES OF AMERICA,
ex rel. Tramell Kukoyi

Respectfully submitted,

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Counsel for Relator-Plaintiff Tramell Kukoyi

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document was delivered to counsel for Defendants, the United States Attorney's Office in the Middle District of Tennessee, the Attorneys General of the Qui Tam States and the Department of Justice in Washington, D.C. via ECF/Pacer on January 14, 2016.

/s/ W. Michael Hamilton
W. Michael Hamilton